File No. B. Rent Restriction (S.A.) 44

Legal Department

B

BRANCH

Subject:—

Governor's Bill No. XV of 1944)

A bill to amend the Bombay Rent Restriction Act, 1939

(Bom. Act XIV of 1944)

E

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1944

File No.: B. Rent Restriction (Second Amendment)/44

Gen. 1916.

(Bom. XIV of 1944)

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Legal Department File No. B. Rent Restriction /41

Sr. No.	Compilation No	Subject	Pages.
		A Bill to amend the Bombay Rent Restriction Act, 1939.	
1.	U.R. to G.D. No. 5768/ 16th Aug 1944	Draft Bill	1-2
2.	G.L.L.D. No. 8332 20th Nov. 1944	Requesting Governor to give assent	3-4
3.	L.D. R. I. No. 10094 24th Nov. 1944	Governor's assent	5-6
4.	G.R.L.D. No. 8343 25th Nov. 1944	Publications of Act.	7-10

MJR/6/7
5 Cs.

Office of the R.L.A.

The draft Bill at page 13 as formally amended is in order.

2. The Statement at page 15 is inorder

3. The subject-matter of the Bill falls under entry 21 read with 37 in List II and entries 8 and 10 read with entry 1 in List III in the Seventh Schedule to the Government of India Act, 1935. Since the Bill dies not contain any provision repugnant to any existing Indian law relating to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor-General under section 107(2) of the Government of India Act, 1935. Under Executive Instructions the Bill requires previous concurrence of the Governor-General.

Sd/- P.N.Moos

12/8/44

Remembrancer of Legal Affairs.

U.R. to G.D., No. 5768, dated the August 1944.

Mjr/6/7

4 Cs.

No. 8132

Legal Department,
Bombay Castle, 20th November 1944.

From

P.N.Moos, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay;

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay Rent Restriction (Second Amendment) Bill, 1944.

Sir,

With reference to your memorandum No 201(57), dated th 19th September, 1944, addressed to the General Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bombay Rent Restriction (Second Amendment) Bill, 1944, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instrumtions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entry 21 read with 37 in List II add entries 8 and 10 read with entry 1 in List III in the Seventh Schedule to the Government of India Act, 1935. Since the Bill does not contain any p provision repugnant to any existing Indian Law relating to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor.General under section 107(2) of the Government of India Act, 1935, and paragraph (2) of the Proclamation.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

5. I also forward herewith one spare copy of the Bill.

Yours obedient servant.

Sd/- P.N.Moos,
19/11/44
Secretary to the Government of
Bombay, Legal Department.

o.c.

Through:-

The Secretary to the Government of Bombay,

No. 201(57)
Office of the Governor's Secretary
Government House,
Bombay, 24th November 1944.

From
D. Symington, Esquire, CIE, ICS.
Secretary to the Governor of Bombay,

To
The Secretary to Government,
Legal Department , Bombay.

Subject:- The Bombay Rent Restrictions (Second amendment) Bill, 1944.

Sir,

With reference to your letter No. 8182, dated 20th November 1944, on the above subject, I am directed to return herewith the copy of the Bombay Rent Restiction (Second Amendment) Bill, 1944, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

Your obedient seevant.

Sd/-
Secretary to the Governor of Bombay.

Mjr/6/7
s.

Acts.

Publication of the Bombay Rent Restriction (Second Amendment) Act, 1944.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 8343
Bombay Castle, 25th November 1944.

Letter to the Secretary to the Governor, No 8132, dated the 20th November 1944.

Letter from the Secretary to the Governor, No. 201(57) dated the 24th November 1944.

" With reference to your letter No. 8132, dated 20th November 1944, on the above subject, I am directed to return herewith the copy of the Bombay Rent Restriction (Second Amendment) Bill, 1944, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION.- The law should be published as Bombay Act, No. XIV of 1944, in the Bombay Government Gazette dated the 28th November 1944.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay,
Sd/- K.M. Chitnis
for { P.N. MOOS
Secretary to Government.

To

The Manager , Government Central Press, Bombay (with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department).

The General Department,
The Oriental Translator to Government.
The Secretary to the Bombay Legislative Council.
The Secretary to the Bombay Legislative Assembly
} with a copy of the Act.

With five extra copies.

Mjr/6/7 4 Cs.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 28TH NOVEMBER 1944.

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	Pages
BOMBAY ACT No. XIV OF 1944—An Act to amend the Bombay Rent Restriction Act, 1939	232-233

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 24th November 1944 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XIV OF 1944.

(First published, after having received the assent of the Governor in the "Bombay Government Gazette" on 28th November 1944.)

An Act to amend the Bombay Rent Restriction Act, 1939.

Bom. XVI of 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing;

26 Geo. ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title.

1. This Act may be called the Bombay Rent Restriction (Second Amendment) Act, 1944.

Amendment of section 10 of Bom. XVI of 1939.

2. To section 10 of the Bombay Rent Restriction Act, 1939, the following new sub-section shall be added, namely :— Bom. XVI of 1939.

(4) Any person who receives directly or through an agent any fine, premium or other like sum in addition to the rent in contravention of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years or with fine or with both."

STATEMENT.

Sub-section (1) of section 10 of the Bombay Rent Restriction Act, 1939, prohibits a landlord from requiring the payment of any fine, premium or any other like sum in addition to rent in consideration of the grant, renewal or continuance of a tenancy of any premises. Sub-section (2) of section 10 provides for any amounts so paid to be recoverable by the tenant by deduction from any rent payable by him to the landlord. There is, however, no provision in the Bombay Rent Restriction Act, 1939, corresponding to sub-section (4) of section 8 of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944 (Bom. VII of 1944), penalising any landlord for the recovery of fine, premium etc., with imprisonment or fine or with both. Thus under the Bombay Rent Restriction Act, 1939, there is not an adequate check on landlords and the object of sub-section (1) of section 10 of the Act is largely vitiated. It is, therefore, considered desirable to bring the Bombay Rent Restriction Act, 1939, in line with the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, by amending it so as to provide that any landlord who receives directly or through an agent any fine, premium or other like sum in addition to rent in contravention of sub-section (1) of section 10 of the Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.